THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 7044 of 2007

Dated 5th April 2007

Between:

Makkuva Eshwawr Rao

... Petitioner

and

The Government of Andhra Pradesh,
rep. by its Principal Secretary, Revenue & another.

... Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 7044 OF 2007

O R D E R:

Petitioner states that he is the absolute owner and possessor of land admeasuring 200 Sq.yards in Survey No.191/25 of Adivivaram village, Gopalapatnam S.R.O. of Visakhapatnam District. It is stated that he intended to sell the said land and approached the 2nd respondent, along with the intending purchaser, for registration of the same in his favour. The grievance of the petitioner is that the 2nd respondent is not accepting the document for registration, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short "the Act"), in respect of the land in the said Survey Number. This writ petition is filed seeking appropriate directions to the 2nd respondent, in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan* v. *Basanth Nahata***[1]**.**

Once the sole basis for the 2nd respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same, in accordance with the provisions of the Stamp Act and the Registration Act.

Hence, the Writ Petition is disposed of, directing the 2nd respondent to receive and process the document presented by the petitioner and take necessary steps, in accordance with the provisions of the Indian Stamp Act and the Registration Act, within one (1) week from the date of receipt of a copy of this order. There shall be no order as to costs.

5th April 2007

Note: Issue C.C. in three days.

(B/o)

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[1] AIR 2005 SC 3401 = (2005) 12 SCC 77